

Communication, and Valuing People have allowed this institution to flourish over its history.

It is with great pride that I honor the 75th Anniversary of Lamar Community College.

WHISTLEBLOWER PROTECTION
ENHANCEMENT ACT (S. 743)

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. PLATTS. Mr. Speaker, I rise today in support of the Whistleblower Protection Enhancement Act, S. 743, and, as a long-time sponsor and cosponsor of similar legislation this session and in past sessions, hope to clarify the intent of the application of the bill's provisions in two important ways.

By way of background, I first introduced a version of this legislation in 2003, H.R. 3281, to respond to a series of decisions by the Merit Systems Protection Board, MSPB, and the Federal Circuit Court. Those decisions undermined Congressional intent with respect to the original Whistleblower Protection Act of 1989.

Specifically, Congress intended that "any" protected disclosure of waste, fraud, and abuse by a federal employee be covered by the law. As interpreted by the MSPB and the Federal Circuit Court, however, loopholes began to develop. Congress strengthened the law in 1994, but decisions by the MSPB and Federal Circuit Court continued to undermine the intent of Congress.

A mark-up of my original legislation was held in 2004. A mark-up of a re-introduced version of the bill, H.R. 1317, was held in 2006. A version introduced by Representative HENRY WAXMAN and myself, H.R. 985, was passed by the House in 2007. At the core, all of these bills—and their Senate versions—restored the Congressional intent of the original Whistleblower Protection Act by plugging the loopholes that had developed.

The bill before us today makes the same attempt at restoring Congressional intent, but—if interpreted incorrectly—I fear the possibility of two more loopholes opening up.

First, agencies must not be allowed to circumvent whistleblower protections through so-called "secrecy" regulations, such as a new category of information (labeled "Sensitive Security Information") created by the Department of Homeland Security. Whistleblower law understandably already exempts from whistleblower protections information which is classified or "specifically prohibited by law" from release. Classified information is information that is kept secret by Executive Order, not a hybrid category of information created by agency regulation like "Sensitive Security Information." Moreover, "prohibited by law" has long been understood to mean statutory law and court interpretations of those statutes, not to agency rules and regulations.

If the Federal Circuit Court broadens the "prohibited by law" exemption to include anything that an agency tries to keep secret under any of their regulations, a new loophole could be opened up that would substantially undermine Congressional intent in passing this bill. It is therefore important to once again make it clear: "Prohibited by law" has long been understood to mean statutory law and court in-

terpretations of those statutes, not to agency rules and regulations. Any exceptions to these rights must be created by Congress, and Congress must act with specificity. That has been the law since 1978, and it continues to be the law.

Second, it must be understood that those whistleblowers who have been waiting for this bill to be enacted are protected by its provisions. As stated by the Senate Committee on Homeland Security and Governmental Affairs in its report accompanying this bill, S. Rpt. 112–155:

The Committee expects and intends that the Act's provisions shall be applied in OSC [Office of Special Counsel], MSPB, and judicial proceedings initiated by or on behalf of a whistleblower and pending on or after that effective date [30 days after the date of enactment of the bill]. Such application is expected and appropriate because the legislation generally corrects erroneous decisions by the MSPB and the courts; removes and compensates for burdens that were wrongfully imposed on individual whistleblowers exercising their rights in the public interest; and improves the rules of administrative and judicial procedure and jurisdiction applicable to the vindication of whistleblowers' rights.

Some in the whistleblower community have been waiting for more than a decade to see Congressional intent with respect to whistleblower law restored. The number who could actually take advantage of the protections in this bill is probably not large, but their cases are significant and justice requires protections for them.

In concluding, I would like to thank the many, many individuals and organizations that have championed this important "good government" issue over the years. There are more than I could possibly mention, but allow me to name just a few: Senator DANIEL AKAKA, who has pushed this issue for years in the Senate; former Representative Connie Morella, who introduced the first House version of the bill before her retirement; former Representatives Tom Davis and current Representative HENRY WAXMAN, who pushed the issue during their service on the Government Reform Committee; my colleagues DARRELL ISSA, ELIJAH CUMMINGS, CHRIS VAN HOLLEN and their staffs; and, finally, the Government Accountability Project (GAP), Project on Government Oversight (POGO), and National Taxpayers Union (NTU). Without all of their efforts, we would not be in a position to finally secure enactment of this important legislation that ensures whistleblowers with the courage to report waste, fraud, and abuse are applauded—not punished.

IN RECOGNITION OF FREDRICK R.
"FRED" MEYER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor the life of Fredrick R. "Fred" Meyer. Mr. Meyer was a successful businessman, the Texas GOP chairman for six years, and the chairman of the Republican Party in Dallas for 7 years. Last week he passed away at the age of 84. Mr. Meyer will always be remem-

bered as the man who made the Texas GOP unstoppable.

Mr. Meyer graduated in 1949 from Purdue University with a Bachelor's Degree in Mechanical Engineering and received a Master of Business Administration degree from Harvard University in 1958, graduating from both with high distinction.

While working as senior vice president of the information services company, Tyler Corporation, in Dallas, Mr. Meyer was asked by Republican congressional candidate Alan Steelman to manage his campaign. After surprisingly winning the race against the former mayor of Dallas, Earle Cabell, Mr. Meyer couldn't help but become more involved. Beginning in 1972, he became a state delegate at that and every subsequent Republican convention.

Even though Texas was primarily a Democratic state, Mr. Meyer used his skills in fundraising and managing to convince potential candidates to run for Republican seats. About 10 percent of Dallas County elected officials were Republicans when he was elected as Dallas GOP Chairman in 1979, but towards the end of his last term, almost 80 percent of the county elected officials were Republican.

When he lost the race for Dallas mayor to Annette Strauss in 1987, he served three terms as the state GOP chairman, aiding Texan George H.W. Bush in winning the presidency.

His success for the party lasted for two full decades until the Democrats took Dallas County in 2006. His admirable reputation will not be forgotten. During the last few weeks of his life, Mr. Meyer was fundraising in his hospital room for the Cooper Institute. It seemed that he could never give up his passion.

Mr. Meyer is survived by his wife, Barbara Meyer, his son Brad Meyer, his two daughters, Amy and Cheryl, and his five grandchildren. I would like to extend my sincerest condolences to Fred Meyer's family and friends.

A TRIBUTE TO HONOR JOE WISE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor an exceptional young man for his outstanding performance at the 2012 London Paralympics. Joe Wise is a tenacious athlete, a brilliant student and a dedicated son. Despite being diagnosed at age nine with mitochondrial myopathy—a severe muscular disorder affecting his legs, hips, core muscles and lungs, and was told by his doctors that he may not reach his fifteenth birthday—Joe Wise has never given up on his dreams of living an extraordinary life. Joe is an enthusiastic and energetic nineteen year old from Menlo Park, California, who with a passion for swimming was selected to represent the U.S. Paralympics swim team at the 2012 London Paralympics.

Joe's dedication to swimming began the same year he was diagnosed, and although he suffered from allergies and asthma, his mother insisted he swim to improve his health. It wasn't until a fellow swimming mate, Kelly Crowley, introduced him to the Paralympic Games that Joe began to aspire to compete.